

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:16-CV-260-D

On July 19, 2016, Lawrence Verline Wilder (“Wilder” or “plaintiff”) filed an application to proceed in forma pauperis and a proposed complaint [D.E. 1]. On August 18, 2016, the court referred plaintiff’s application and proposed complaint to Magistrate Judge Gates for a Memorandum and Recommendation (“M&R”) [D.E. 5]. On November 7, 2016, Magistrate Judge Gates issued an M&R and recommended that plaintiff’s application to proceed in forma pauperis be allowed and that plaintiff’s complaint be dismissed for lack of subject matter jurisdiction [D.E. 6]. Plaintiff did not object to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Plaintiff's application to proceed in forma pauperis is GRANTED, and plaintiff's complaint is DISMISSED. The clerk shall close the case.

SO ORDERED. This 18 day of December 2016.



JAMES C. DEVER III
Chief United States District Judge